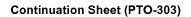
Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)	
10/589,847	GERHARD ET AL.	
Examiner	Art Unit	

	WIGHT REE WIEGOTT	1734
The MAILING DATE of this communication appe	ars on the cover sheet with the o	correspondence address
THE REPLY FILED 13 October 2009 FAILS TO PLACE THIS A	APPLICATION IN CONDITION FOR	R ALLOWANCE.
 The reply was filed after a final rejection, but prior to or on application, applicant must timely file one of the following application in condition for allowance; (2) a Notice of Appe for Continued Examination (RCE) in compliance with 37 C periods: 	the same day as filing a Notice of a replies: (1) an amendment, affidavi eal (with appeal fee) in compliance	Appeal. To avoid abandonment of this t, or other evidence, which places the with 37 CFR 41.31; or (3) a Request
a) The period for reply expires <u>4</u> months from the mailing date	of the final rejection.	
b) The period for reply expires on: (1) the mailing date of this A no event, however, will the statutory period for reply expire la Examiner Note: If box 1 is checked, check either box (a) or (MONTHS OF THE FINAL REJECTION. See MPEP 706.076	dvisory Action, or (2) the date set forth ater than SIX MONTHS from the mailing b). ONLY CHECK BOX (b) WHEN THE	g date of the final rejection.
Extensions of time may be obtained under 37 CFR 1.136(a). The date have been filed is the date for purposes of determining the period of extunder 37 CFR 1.17(a) is calculated from: (1) the expiration date of the set forth in (b) above, if checked. Any reply received by the Office later may reduce any earned patent term adjustment. See 37 CFR 1.704(b).	on which the petition under 37 CFR 1.1 ension and the corresponding amount chortened statutory period for reply origi than three months after the mailing dat	of the fee. The appropriate extension fee nally set in the final Office action; or (2) as
NOTICE OF APPEAL	"	en 1 101 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
 The Notice of Appeal was filed on A brief in comp filing the Notice of Appeal (37 CFR 41.37(a)), or any exter Notice of Appeal has been filed, any reply must be filed w AMENDMENTS 	nsion thereof (37 CFR 41.37(e)), to	avoid dismissal of the appeal. Since a
	out prior to the date of filing a brief.	will not be entered because
 (a) ☐ They raise new issues that would require further cor (b) ☐ They raise the issue of new matter (see NOTE belo 	nsideration and/or search (see NO¯ w);	ΓE below);
(c) They are not deemed to place the application in bet	ter form for appeal by materially red	ducing or simplifying the issues for
appeal; and/or (d) ☐ They present additional claims without canceling a c	corresponding number of finally reje	acted claims
NOTE: see Attachment. (See 37 CFR 1.116 and 4		soled ciaims.
4. The amendments are not in compliance with 37 CFR 1.12		mnliant Amendment (PTOL-324)
5. Applicant's reply has overcome the following rejection(s):		impliant / monament (1 102 024).
 Newly proposed or amended claim(s) would be all non-allowable claim(s). 		timely filed amendment canceling the
7. For purposes of appeal, the proposed amendment(s): a) how the new or amended claims would be rejected is provide status of the claim(s) is (or will be) as follows:		l be entered and an explanation of
Claim(s) allowed:		
Claim(s) objected to: <u>9</u> .		
Claim(s) rejected: <u>1-4 and 10-14</u> .		
Claim(s) withdrawn from consideration: AFFIDAVIT OR OTHER EVIDENCE		
8. ☐ The affidavit or other evidence filed after a final action, bu	t before or on the date of filing a Ne	otice of Anneal will not be entered
because applicant failed to provide a showing of good and was not earlier presented. See 37 CFR 1.116(e).	d sufficient reasons why the affidav	it or other evidence is necessary and
 The affidavit or other evidence filed after the date of filing entered because the affidavit or other evidence failed to o showing a good and sufficient reasons why it is necessary 	vercome <u>all</u> rejections under appea and was not earlier presented. Se	al and/or appellant fails to provide a ee 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation REQUEST FOR RECONSIDERATION/OTHER	n of the status of the claims after e	ntry is below or attached.
11. The request for reconsideration has been considered bu	t does NOT place the application in	n condition for allowance because:
12. Note the attached Information <i>Disclosure Statement</i> (s). (13. Other:	PTO/SB/08) Paper No(s)	



Application No.